

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRIS J. JACOBS III,

Petitioner,

v.

Case No. 03-C-1476

**WARDEN BERTRAND,
Green Bay Correctional Institution,**

Respondent.

DECISION AND ORDER

Previously, Chris J. Jacobs III (“Jacobs”) filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. In a Decision and Order dated April 28, 2005, this Court found that Jacobs’ underlying claims had been brought pursuant to the wrong statute and were, in fact, only cognizable under 42 U.S.C. § 1983. Accordingly, the Court provided Jacobs 30 days in which to (1) withdraw his “petition” altogether if he no longer wished to pursue his action or (2) submit an amended complaint and IFP application pursuant to 42 U.S.C. § 1983. The Court warned Jacobs that failure to submit the proper or amended filings within the prescribed time frame would result in the dismissal of his action. The deadline imposed by the Court, May 31, 2004, has come and gone. Jacobs has not responded to the Court’s Order and, therefore, his action is dismissed.

**NOW THEREFORE, BASED UPON THE FOREGOING IT IS HEREBY
ORDERED THAT:**

The above-entitled action is hereby **DISMISSED** without prejudice.

Dated at Milwaukee, Wisconsin, this 16th day of June, 2005.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge